

# **EXHIBIT 18**



## CDC Federal Advisory Committees (FAC)

### Ethics

## Ethics and Confidential Financial Disclosure for Special Government Employees

Most members of federal advisory committees are appointed as special government employees (SGEs) and serve as federal employees for up to 130 days in any given year. SGEs, like all Executive Branch employees, are subject to the Standards of Ethical Conduct issued under the Ethics Reform Act of 1989. The U.S. Office of Government Ethics (OGE) requires that members must receive ethics training each year and must submit annual financial disclosure reports before they can meet to render advice or recommendations to the government. These requirements ensure that advice, guidance, and recommendations rendered by federal advisory committees are free of actual and apparent conflicts of interest. For more information, review the summary of ethics rules [\[PDF\]](#) [\[Link\]](#) that apply to SGE advisory committee members.

CDC's Committee Management Officer has day-to-day responsibility to oversee ethics-related activity for CDC's advisory committee members, including the rigorous review and conflict of interest analysis process for advisory committee members' financial disclosure reports. We are also responsible for providing initial and annual ethics training for SGE committee members. OGE has the authority and the responsibility to regulate ethics-related activity for the entire Executive Branch.

Members of peer review committees (also known as initial review groups (IRGs)) are not appointed as SGEs and therefore are not subject to the same disclosure requirements. However, under HHS and CDC rules members of IRGs are required to disclose conflicts of interest, and to provide assurance that they are free of conflicts of interest, before they may participate at each peer review meeting.

Some CDC employees who are fulltime federal employees are also required to provide annual confidential financial disclosure, to ensure their personal financial interests and outside activities do not conflict with their official duties. CDC's Ethics Program Office has responsibility for this requirement.

Visit [Laws and Regulations](#) for a collection of the conflict of interest laws and regulations as well as links to access the forms required of SGEs.

The DHHS Office of the General Counsel [\[Link\]](#) is another useful source of information.

## Ethics Training for Special Government Employees

To ensure that every citizen has complete confidence in the integrity of the federal government and its advisory committees, each SGE shall respect and adhere to the principles of ethical conduct. Each SGE appointed to serve on a CDC federal advisory committee assumes a responsibility to the United States and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. The training materials designated for this year's annual training will provide you with clear standards and guidelines to assist you in meeting your responsibility as an SGE.

Please review the items listed below. Once you have reviewed this material, you will have completed your Annual Ethics Training, as required by the U.S. Office of Government Ethics.

1. Ethics Training for Special Government Employees [\[Link\]](#)
2. Ethics Rules for Advisory Committee Members and Other Individuals Appointed as Special Government Employees (SGEs) [\[PDF\]](#) [\[Link\]](#)
3. Overview of the Ethics Rules for Special Government Employees Serving on Advisory Committees [\[PDF\]](#) [\[Link\]](#)
4. "To Serve with Honor" [\[PDF\]](#) [\[Link\]](#), a 16-page booklet for advisory committee members prepared by OGE in 2008

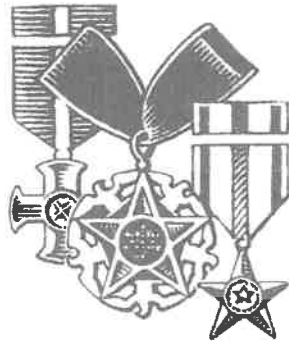
## SGE Game Plan for Peak Ethical Performance

- 1 Don't ever begin your committee work until you know what your role or status is on a committee.
- 2 Always get an "ethics checkup" before you begin your committee work.
- 3 Don't work on a committee matter that will affect your financial interests, unless some exception allows you to do so.
- 4 Always check with an ethics official if you have any concerns about an appearance of a conflict of interest.
- 5 Improve "your game" by becoming more familiar with Government ethics rules, especially those that are found in the Standards of Conduct and in the Conflict of Interest laws.
- 6 Talk to your agency ethics official if you anticipate doing some teaching, speaking, or writing as an outside activity for compensation or engaging in representational activity before the Government.
- 7 Understand the post-employment rules either before or after your advisory committee service ends.
- 8 Remember that learning more about the Government's ethics rules will help ensure that you serve your committee honorably.

service ends is important and will help maintain public confidence in the Government's decision making and in the quality of your committee's work.

We hope this summary helps you to understand how some of the Federal ethics rules may apply to you as a Federal advisory committee member serving as an SGE. It is now up to you to ensure that you **serve with honor** by following this game plan for successful participation on the Government's advisory team.

In you need more information, please talk to a committee management official or your agency ethics official. Like a good coach, these individuals are there to help guide you into becoming the best committee member you can be — one that acts ethically and responsibly before and after his or her service ends. In this way, you can be proud of your service to the Government and to your advisory committee team.



## U.S. Office of Government Ethics

[www.usoge.gov](http://www.usoge.gov)

March 2008

5. Principles of Ethical Conduct for Government Officers and Employees, listed in Executive Order 12731 (October 17, 1990), and 5 C.F.R. § 2635.101 [↗](#)
6. Standards of Ethical Conduct for Employees of the Executive Branch, Codified in 5 C.F.R. Part 2635 [↗](#) , as amended at 81 FR 48688 [↗](#) (July 26, 2016)
7. Supplemental Standards of Ethical Conduct and Supplemental Financial Disclosure Requirements for Employees of the Department of Health and Human Services [↗](#) [↗](#) , Codified in 5 C.F.R. Parts 5501 and 5502, as amended at 61 FR 39763, July 30, 1996; 70 FR 5543, February 3, 2005; 70 FR 37009, June 28, 2005; 70 FR 51559, August 31, 2005; and 70 FR 61713, October 26, 2005
8. The Federal Conflict of Interest Statutes [↗](#)
9. The names, titles, office addresses, and telephone numbers of the HHS Designated Agency Ethics Official and other agency ethics officials available to advise employees on ethics issues [↗](#)
10. The Ethical Choice: Ethics for Special Government Employees (Video)

## Contact Us

If you have ethics questions or concerns that relate to your specific situation or the committee on which you serve, please contact the designated federal officer for your committee or the Ethics and Financial Disclosure Team at [SGEEthics@cdc.gov](mailto:SGEEthics@cdc.gov).

If you have a need to contact the ethics officials within HHS, see the HHS list of Agency Deputy Ethics Counselors and Ethics Coordinators [↗](#).

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### Standards of Ethical Conduct Continued

You may not accept **gifts** offered as a result of your advisory committee membership.

In many circumstances, you may not participate as an **expert witness** with any matter or proceeding that you work on as an SGE.

**Impartiality:** You are prohibited from participating in a specific party matter where a reasonable person would question your impartiality—for example, conducting a review of a grant application submitted by your mentor or someone with whom you have a close relationship—unless authorized by an agency designee to participate.

**Misuse of Position—Use of Public Office for Private Gain:** This includes the misuse of nonpublic information, government property, and official time. You may not use your position to imply that the Committee endorses your private activities or refer to your Government position for your own private gain.

**Lobbying:** In their official capacities or as a group, committee members are prohibited from engaging in any activity which directly or indirectly encourages or directs any person or organization to lobby one or more members of Congress. You may appear for the purpose of informing or educating the public about a particular policy and you may communicate with members of Congress at their request.

**Political Activities (Hatch Act):** *While on Government duty* (unlike the other rules which always apply during your time of appointment), you may not engage in partisan political activities, run for political office in a partisan election, or solicit contributions from the public. For more information on political activity restrictions, please see the Office of Special Counsel website at [www.osc.gov](http://www.osc.gov).

### Ethics for SGEs: Your Responsibilities as a Government Employee

- Complete the OGE-450 Financial Disclosure Report and submit it for review. You should not attend meetings or participate in committee business until this form is submitted and reviewed.
- Complete the HHS-697 Foreign Activities Questionnaire and submit it for review.
- If conflicts of interest are identified, work with committee managers and ethics officials to resolve them.
- Complete a financial disclosure report on a yearly basis.
- Complete initial ethics orientation and yearly ethics training—you should have a basic knowledge of the Standards of Ethical Conduct and the Conflict of Interest Statutes
- Monitor changes in your circumstances that might create new conflicts.
- Be sure to contact your Designated Federal Official (DFO) or ethics officials with any questions.

This brochure only provides a brief overview of the ethics rules, which contain many complexities. The aim is to alert you to broad areas of concern. For more detailed information, contact an ethics official and refer to the document “Ethics Rules for Advisory Committee Members and Other SGEs,” prepared by the OGC Ethics Division and available from your DFO.

# Overview of the Ethics Rules for Special Government Employees Serving on Advisory Committees



Ethics Division  
Office of the General Counsel  
Department of Health  
and Human Services



## Ethics Rules for SGEs

As a special Government employee (SGE), you are a Federal Government employee. As such, you are covered by the executive branch ethics rules, although in a somewhat less restrictive manner than regular Government employees.

### The Criminal Conflict of Interest Statutes

18 U.S.C. §§ 203, 205, 207, 208

**Financial Conflicts:** You are prohibited from participating personally and substantially in **any particular matter** that directly and predictably affects your own financial interests or the financial interests of certain other persons or organizations: your spouse, minor child, general partner, and outside organizations with which you serve as an officer, director, trustee, or employee, or with which you are negotiating for or have an arrangement for future employment.

If your duties would require you to participate in any particular matter that affects your financial interests, you have a conflict of interest which you will have to resolve. Of most concern are **specific party matters**, but you might also be

**What is a Specific Party Matter?** Specific party matters include contracts, grants, requests for rulings, litigation, or investigations, or other actions that involve deliberation, decision, or action affecting the legal rights of identified parties in a specific proceeding or an isolatable transaction or sets of transactions.

prohibited from involvement in **Particular Matters of General Applicability**.

**What is a Particular Matter of General Applicability?** A matter focused on the interests of an identifiable class of persons or entities but that does not involve specific parties. For example, recommendations of regulations, policies or standards that affect an industry, group of manufacturers, or health care providers.

There is another category of matters that does not create the types of conflicts that are of concern:

**Broad matters of national policy** that don't focus on a specific industry.

**Exceptions:** SGEs can participate in **particular matters of general applicability** where the disqualifying interest that creates the conflict arises **solely from the SGE's non-federal employment** provided that the matter will have no distinct effect on the employee or employer other than as part of a class (but other financial interests in the employer, such as the ownership of stock, are not covered by the exception).

There are **automatic exemptions** when the financial interests are (1) broadly diversified investment funds, (2) publicly traded securities of \$15,000 or less, (3) publicly traded securities of \$25,000 or less if the matter is a general policy matter and the total value of all investments in the affected industry sector is not more than \$50,000 or (4) employment in one campus of a multi-campus state university if the matter affects only another campus.

### **Resolving Financial Conflicts:**

**Recusal / Disqualification:** Do not work on the matter creating the conflict and isolate yourself from the committee's work on this matter.

**Divestiture:** Sell or otherwise dispose of the financial interest that is creating the conflict.

**Waiver:** Get written approval from a senior official to continue with your work for the committee despite the conflict. Waivers can be granted where there is a pressing need for a particular individual's services on the committee and this outweighs the potential for conflict of interest. Specific criteria must be met. This is considered a "general waiver" in that it **only allows participation in matters that affect all institutions, or types of institutions, similarly.**

**Concurrent Representation:** While you are serving, there are **representational restrictions** on contacting the Government on behalf of another—for example, as an agent or attorney—with intent to influence on a specific party matter that you are working on as an SGE.

### **Post-Employment Representation:**

You cannot "switch sides" in the private sector and represent back to the Government concerning the same specific party matter—the same contract or grant, for example, that you worked on as an SGE. (Remember also the restrictions resulting from employment negotiations that are covered by the financial conflict statute.)

## Standards of Ethical Conduct

5 CFR Part 2635

You are prohibited from receiving compensation for **teaching, speaking, and writing** about your Government duties or about any topic if the invitation to teach, speak, or write comes from a person substantially affected by the matters on which you work as an SGE. However, you may teach courses about general topics requiring multiple presentations.